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**RESOLUTION NO. 04-291**

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **STORM WATER DRAIN NO. 214 (NORTH OF 37<sup>TH</sup> STREET NORTH, EAST OF TYLER) 468-83694** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING **STORM WATER DRAIN NO. 214 (NORTH OF 37<sup>TH</sup> STREET NORTH, EAST OF TYLER) 468-83694** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That Resolution No. **03-475** adopted on **September 9, 2003**, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Storm Water Drain No. 214 (north of 37<sup>th</sup> Street North, east of Tyler) 468-83694** in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be **Two Hundred Seventeen Thousand Dollars (\$217,000)**, exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **May 1, 2004**.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**AVALON PARK**

Lots 1 thru 52, Block 1  
Lots 1 thru 13, Block 2  
Lots 1 thru 18, Block 3  
Lots 1 thru 25 and 28, Block 4

**UNPLATTED TRACT "A"**

A TRACT OF LAND IN THE S.W. 1/4 OF SECTION 28, TWP 26S, R1W OF THE 6TH P.M. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE N.W. CORNER OF THE S.W. 1/4 OF SECTION 28, TWP 26S R1W; THENCE N 89°35'24"E ALONG

THE NORTH LINE OF SAID S.W. 1/4, A DISTANCE OF 2648.23 FEET TO THE N.E. CORNER OF SAID S.W. 1/4; THENCE S00°05'39"E ALONG THE EAST LINE OF SAID S.W. 1/4 OF A DISTANCE OF 1051.50 FEET; THENCE N68°57'41"W A DISTANCE OF 240.03 FEET; THENCE S89°34'48"W A DISTANCE OF 577.02 FEET; THENCE S63°56'27"W A DISTANCE OF 446.77 FEET; THENCE S54°54'34"W A DISTANCE OF 64.00 FEET; TO THE P.C. OF A CURVE WITH A CHORD BEARING OF N36°89'58"W, THENCE ALONG THE CURVE TO THE LEFT WITH A RADIUS OF 968.00 FEET, THROUGH A CENTRAL ANGLE OF 2°09'05" AN ARC DISTANCE OF 36.34 FEET; THENCE S50°37'46"W A DISTANCE OF 728.44 FEET; THENCE N39°22'14"W A DISTANCE OF 1277.82 TO THE WEST LINE OF SAID S.W. 1/4; THENCE N00°00'00"E ALONG SAID WEST LINE A DISTANCE OF 628.57 FEET TO THE POINT OF BEGINNING, EXCEPT FOR ROAD RIGHT OF WAY ON TYLER ROAD.

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a fractional basis.

That said Lots 1 thru 27, Block 1; and Lots 1 thru 6, Block 2; all within AVALON PARK shall each pay 680/217,000 of the total cost; Lots 28 thru 35, Block 1; all within AVALON PARK shall each pay 2,342/217,000 of the total cost; Lots 36 thru 41, Block 1; Lots 7 thru 12, Block 2; and Lots 1 thru 11 and 28, Block 4, all within Avalon Park shall each pay 879/217,000 of the total cost; Lots 42 thru 45, Block 1, AVALON PARK shall each pay 3,545/217,000 of the total cost; Lots 46 thru 52, Block 1, AVALON PARK shall each pay 3,187/217,000 of the total cost; Lot 13, Block 2; Lots 1 thru 6, Block 3; and Lots 21 thru 25, Block 4, AVALON PARK shall each pay 387/217,000 of the total cost; Lots 7 thru 18, Block 3; and Lots 12 thru 20, Block 4, AVALON PARK shall each pay 1,018/217,000 of the total cost; Unplatted Tract "A" shall pay 92,217/217,000 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said

improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, this 8th day of June, 2004.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)